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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,908	07/05/2005	Harald Koellner	11334/005	2920
27879 7590 04/07/2009 INDIANAPOLIS OFFICE: 27879 BRINKS HOFER GILSON & LIONE ONE INDIANA SQUARE, SUITE 1600 INDIANAPOLIS, IN 46204-2033				
			EXAMINER KELLER, MICHAEL J	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 04/07/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,908

Applicant(s)

KOEHLNER ET AL.

Examiner

Michael J. Keller

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. The request filed on 01/07/2009 for a Request for Continuing Examination (RCE) under 37 CFR 1.114 is acceptable and an RCE has been established. Any previous finality is hereby withdrawn and a new action on the merits follows. Any newly-submitted claims have been added.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fastening element recited in claim 19 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 14-20 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samways et al. (U.S. Patent 6,571,515) in view of Klitzsch et al. (DE 4240030).**

Regarding **claim 14**, Samways et al. discloses a deflection roller installation for fastening a deflection roller for a cable of a drive mechanism of a motor vehicle windowpane, comprising a window-lifting rail (6, Fig. 5) for guiding the windowpane, the rail having an outward formation (15) for receiving the deflection roller (71), the outward formation including a recess, and a module support (1) coupled to the window-lifting rail and coupled to a portion of a vehicle door (2), the module support including a peg (16) received within the recess of the outward formation in a positive fit. Samways et al. does not disclose the outward formation being formed integrally unitary with the rail or the peg being formed integrally unitary with the module support.

Klitsch et al. discloses a deflection roller installation for fastening a deflection roller (18) for a cable of a drive mechanism of a motor vehicle windowpane, comprising

a window-lifting rail (10) for guiding the windowpane, the rail having an outward formation (16) for receiving the deflection roller; wherein the outward formation is formed integrally unitary with the rail.

It would have been obvious to one of ordinary skill in the art at the time of the invention to form the outward formation of Samways et al. integrally unitary with the window-lifting rail as in Klitzsch et al. in order to avoid the machining processes which would be required to manufacture the outward formation of Samways et al.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have molded the peg integrally unitary with the module support, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). Doing so would have simplified installation by reducing the number of parts to be assembled.

Regarding **claim 15**, Klitsch et al. discloses that the outward formation comprises a push-through of the window-lifting rail (see abstract).

Regarding **claims 16-19 and 26**, the outward formation of Samways et al. consists essentially of a circularly cylindrical formation; wherein an end-face of the outward formation distant from the window-lifting rail comprises an opening (see Fig. 5); wherein the end-face of the outward formation distant from the window-lifting rail comprises a widening for engaging behind and axially fixing the deflection roller (see Fig. 5); further comprising a fastening element (17) axially fixing the outward formation on the peg.

Regarding **claim 20**, while Samways et al. does not specifically disclose the thickness of the metal used to produce the window-lifting rail, it would have been obvious to one of ordinary skill in the art at the time of the invention, to manufacture the window-lifting rail from 0.9-1.5 mm thick sheet metal since the thickness would have been a design choice, and the window-lifting rail in Samways et al. would have functioned equally as well at such a thickness.

Regarding **claim 23**, the combination of Samways et al. and Klitsch et al. discloses a deflection roller installation as set forth above. The steps recited in claim 23 would have necessarily been performed while manufacturing the above described apparatus.

Regarding **claim 24**, the widening of the outward formation of Klitsch et al. is formed by flanging as shown in Fig 9.

Regarding **claim 25**, a fastening element 17 (Fig. 5) has been used to form a widening at the end of the outward formation of Samways et al.

5. **Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samways et al. (U.S. Patent 6,571,515) in view of Klitzsch et al. (DE 4240030) and further in view of Smith (U.S. Patent 5,970,658).** The combination of Samways et al. and Klitsch et al. discloses a deflection roller installation as set forth above, but does not disclose the rail being formed of steel or aluminum. Smith discloses a window regulator mechanism wherein the guide rail is formed of steel or aluminum (Col. 3 Lines 39-41). It would have been obvious to one of ordinary skill in the art at the time of the invention,

to form the window-lifting rail of steel or aluminum as disclosed in Smith, in order to provide sufficient strength to the rail while using well-known and available materials.

6. **Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samways et al. (U.S. Patent 6,571,515) in view of Klitzsch et al. (DE 4240030) and Smith (U.S. Patent 5,970,658) and further in view of Favrel et al. (U.S. Patent 4,573,286).** Samways et al., Klitsch et al. and Smith do not disclose the deflection roller being formed of POM. Favrel et al. discloses a closure on a vehicle utilizing rollers which are manufactured of POM (Col. 4 Lines 46-48; DELRIN® is a trademark under which POM is sold). It would have been obvious to one of ordinary skill in the art at the time of the invention, to form the roller of POM as disclosed in Favrel et al., in order to use well-known and available materials to reduce the weight of the rollers, with no unexpected results.

7. **Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samways et al. (U.S. Patent 6,571,515) in view of Klitzsch et al. (DE 4240030) and further in view of Miyauchi et al. (US Patent 4,656,780).** Samways et al. and Klitsch et al. do not disclose an axially directed projection confined to the outer periphery of the roller. Miyauchi et al. discloses a rotating wheel 22 (Fig. 5) comprising a plurality of axially directed projections 66. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to provide the roller of Samways et al. and Klitsch et al. with the axially directed projections of Miyauchi et al. Doing so would reduce frictional resistance between the roller and the window lifting rail (see Col. 5 Lines 45-53 of Miyauchi et al.).

Response to Arguments

8. Applicant's arguments regarding claims 14, 23 and 26 have been fully considered but they are not persuasive.

Applicant has argued that Samways et al. does not disclose the positive fit of the integrally unitary module support peg within the integrally unitary rail outward formation. However, it is clear from Fig. 5 that once all the parts are assembled there will be a positive fit between the module support peg (bolt 16) and the outward formation (shell bearing 15), because the alignment bushing 17 prevents any play between the module support peg and the outward formation. Furthermore, Examiner notes that the definition of "positive fit" put forth in Applicant's arguments is not included in the claims, nor is it included as a special definition in the specification.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

9. Applicant's arguments regarding claim 27 are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Keller whose telephone number is 571-270-5219. The examiner can normally be reached on Monday - Friday 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/
Supervisory Patent Examiner, Art
Unit 3634

/M. J. K./
Examiner, Art Unit 3634